

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to code of ethics and providing an opportunity for public comment

The Board of Speech Pathology and Audiology hereby proposes to amend Chapter 304, “Discipline for Speech Pathologists and Audiologists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 272C and Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147, 154F and 272C.

Purpose and Summary

This proposed amendment updates the chapter to incorporate language used in the American Academy of Audiology (AAA) and the American Speech-Language-Hearing Association (ASHA) codes of ethics. This amendment includes a reference to the reporting requirements in Iowa Code section 135.131 and 641—Chapter 3 as the requirements relate to newborn and infant care screening evaluations.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on October 16, 2018. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6529
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 16, 2018
8:30 to 9 a.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 304.2(31) as follows:

304.2(31) Violation of the following code of ethics:

a. Licensees shall provide ethical, professional services, conduct research with honesty and compassion, and respect the dignity, worth and rights of those served.

~~a. b.~~ Claims of expected clinical results shall be based upon sound evidence and shall accurately convey the probability and degree of expected improvement.

~~b. c.~~ Records shall be adequately maintained for the period of time required by applicable state and federal laws.

~~e. d.~~ Persons served professionally or the files of such persons will be used for teaching or research purposes only after obtaining informed consent from those persons or from the legal guardians of such persons.

~~d. e.~~ Information of a personal or professional nature obtained from persons served professionally will be released only to individuals authorized by the persons receiving professional service or to those individuals to whom release is required by law.

f. Licensees who engage in research shall comply with all institutional, state, and federal regulations that address any aspects of research, including those that involve human participants and animals, such as those promulgated in the current Responsible Conduct of Research by the U.S. Office of Research Integrity.

g. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct clinical activities that compromise the staff members' independent and objective professional judgment.

~~e. h.~~ Relationships between professionals and between a professional and a client shall be based on high personal regard and mutual respect without concern for race, religious preference, sex, or age, ethnicity, gender identity/gender expression, sexual orientation, national origin, disability, culture, language or dialect.

~~f. i.~~ Referral of clients for additional services or evaluation and recommendation of sources for purchasing appliances shall be without any consideration for financial or material gain to the licensee making the referral or recommendation for purchase.

~~g. j.~~ Licensees who dispense products to persons served professionally shall provide clients with freedom of choice for the source of services and products.

~~*k.*~~ Failure to comply with current Food and Drug Administration regulations 21 CFR §801.420, “Hearing aid devices; professional and patient labeling,” and 21 CFR §801.421, “Hearing aid devices; conditions for sale.”

l. Licensees shall comply with universal newborn and infant hearing screening requirements within Iowa Code section 135.131 and 641—Chapter 3.